

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:22-CV-00422-JRG-RSP

**SAMSUNG'S UNOPPOSED MOTION FOR LEAVE TO SERVE SUPPLEMENTAL
REBUTTAL REPORTS ADDRESSING HEADWATER NEW, CORRECTED
DAMAGES OPINIONS**

On May 6, 2024, the Court entered an Order (Dkt. No. 217) denying Samsung's Motion to Strike Amended Expert Reports of Dr. Andreas Groehn and Mr. David Kennedy (Dkt. No. 196). Accordingly, Headwater's experts Dr. Andreas Groehn and Mr. David Kennedy will now be permitted to offer new damages opinions, which Samsung's experts have not had the opportunity to provide written rebuttal reports addressing. Samsung respectfully requests leave for Mr. Philip Kline and Dr. Keith Ugone to issue supplemental expert rebuttal reports out of time addressing the new opinions offered by Dr. Groehn and Mr. Kennedy. Headwater does not oppose this motion but has reserved the right to move to strike as untimely opinions in the supplemental reports that Headwater regards as going beyond rebuttal of the corrections offered by Dr. Groehn and Mr. Kennedy.

The current DCO required that opening expert reports were served on March 29, 2024 and rebuttal reports on April 19, 2024. However, as described in Dkt. No. 196, Headwater served new, revised opening damages-related expert reports on April 22, 2024. Samsung promptly objected to these reports and filed its motion to strike (Dkt. No. 196) on April 25, 2024. Now, in light of the Court's ruling, Samsung again promptly moves, seeking leave to issue out of time supplemental responses to Headwater's additional opening opinions.

The parties have coordinated and agree upon the following disclosure and deposition schedule for Samsung's experts Mr. Kline and Dr. Ugone to provide limited supplemental reports responding to Headwater's additional opinions:

Date	Deadline
Thursday May 9, 2024 at or before 2:00pm CT	Serve supplemental report from Philip Kline
Friday May 10, 2024	Deposition of Philip Kline
Monday May 13, 2024	Serve supplemental report from Dr. Keith

at or before 10:00am CT	Ugone
Tuesday May 14, 2024	Deposition of Dr. Keith Ugone

Samsung respectfully submits good cause exists to permit Samsung's experts to serve brief rebuttal reports out of time responding to the recently-permitted additional opinions from Dr. Groehn and Mr. Kennedy. Samsung's experts' supplemental rebuttal reports will be limited to addressing Headwater's additional, new damages opinions. Samsung does not request any further rebuttal report for Ms. Butler or any other Samsung experts. There will be no prejudice to Headwater as the brief reports will be served prior to the currently-scheduled depositions.

For the foregoing reasons, Samsung respectfully requests leave to serve out of time supplemental rebuttal reports from Mr. Kline and Dr. Ugone.

Dated: May 9, 2024

Respectfully submitted,

By: /s/ Sara C. Fish

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SAMSUNG ELECTRONICS AMERICA, INC.

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Defendants have complied with the meet and confer requirement in Local Rule CV-7(h). This motion is unopposed. The conference required by Local Rule CV-7(h) was conducted on May 9, 2024.

/s/ Sara C. Fish

Sara C. Fish

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on May 9, 2024. As of this date, all counsel of record had consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Sara C. Fish

Sara C. Fish